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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,875	05/05/2005	Mitsutoshi Shionoya	1089.0560000/ALF	8000
26111	7590	10/04/2007	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.			OBEID, MAMON A	
1100 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/533,875	SHIONOYA ET AL.
	Examiner Mamon Obeid	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>05/05/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Status of Claims***

1. This is in reply to application filed on 05 May 2005.
2. Claims 1- 8 are currently pending and have been examined.

### ***Priority***

3. Applicant's claim for the benefit of a foreign Application (Japan 2002-321338), filed on 05 November 2002 is acknowledged.

### **Claim Objections**

4. Claims 6 and 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or, cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Information Disclosure Statement***

5. The Information Disclosure Statement filed on 05 May 2005 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 8 is rejected under 35 U.S.C. 101 because its unclear to the Examiner if the information recording medium is software that is executable by a computer or it is something else.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 1- 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 1 recites the limitation " *said presented acquisition code* "; there is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, the Examiner will interpret the limitation " *said presented acquisition code* " as an acquisition code.

11. Claim 1 recites the limitation "*the authentication*"; there is insufficient antecedent basis for this limitation in the claim. The examiner is unclear to which authentication Applicants are referring to. For the purpose of this examination, the Examiner will interpret the limitation "*the authentication*" as a general authentication process.
12. Claim 1 recites the limitation "*said received password*"; there is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, the Examiner will interpret the limitation "*said received password*" as any general password.
13. Claims 3 and 5 recite the limitation "*the information terminal device*"; there is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, the Examiner will interpret the limitation "*the information terminal device*" as any device that process information.
14. Claim 3 recites the limitation "*said received prescribed password*"; there is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, the Examiner will interpret the limitation "*said received prescribed password*" as any general password.

15. Claim 3 recites the limitation "*a step of said prescribed reproduction device that started reading said information recording medium presenting a prescribed acquisition code to a viewer, and urging the viewer to input a prescribed password*"; there is insufficient antecedent basis for this limitation in the claim. Applicants never introduced the step of reading the information-recording medium, which renders the claim vague and indefinite. For the purpose of this examination, the Examiner will interpret the above limitation as (a step of said prescribed reproduction device presenting a prescribed acquisition code to a viewer, and urging the viewer to input a prescribed password.)
16. The term "*prescribed position information*" in claim 3 is a relative term, which renders the claim indefinite. The term "*prescribed position information*" is not defined by the claim, the specification does not lexicographically define the term, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. If Applicants believes that the term "*prescribed position information*" is old and well know in the art, Applicants should expressly state on the record that the claim term is old and well known in the art and provide appropriate evidence in support thereof (e.g. a U.S. Patent).
17. Claim 4 recites the limitation "*the random number*"; there is insufficient antecedent basis for this limitation in the claim. For the purpose of this

examination, the Examiner will interpret the limitation "*the random number*" as any general number.

18. Claim 8 recites the limitation "*is used for*" which renders the claim vague and indefinite. The examiner is unclear if that limitation a method step or is it intended use. For the purpose of this examination, the Examiner will interpret the limitation "*is used for*" as a method step.
19. Claim 8 recites the limitation "*to realize*" which renders the claim vague and indefinite. The examiner is unclear of the meaning of that limitation. Possible dictionary meanings are: to grasp or understand clearly; to make real; give reality to (a hope, fear, plan, etc.); to bring vividly to the mind; to convert into cash or money: *to realize securities*; to obtain as a profit or income for oneself by trade, labor, or investment; to bring as proceeds, as from a sale: *The goods realized \$1000*. The examiner is unclear which of the above definitions of the phrase "*to realize*" is the best fit for the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
  - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claims 1- 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Giobbi et al., U.S. Patent Application Publication No. 2002/0144116 A1.
22. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
23. **As per claim 1:** Giobbi discloses the following limitations:
  - *wherein an acquisition code prerecorded on said information recording medium is presented to a viewer desiring to view a viewing management target content* (see at least paragraph [0021]);

- *said viewer receives a password acquired from a server computer-based on said presented acquisition code (see at least paragraph [0027]);*
- *the reproduction of said viewing management target content is started via the authentication based on said received password (see at least paragraph [0032]).*

**24. As per claim 2:** Giobbi discloses *wherein, when said viewer acquires the password from said server computer, a viewing fee of said viewing management target content is charged to said viewer* (see at least paragraph [0028]).

**25. As per claim 3:** Giobbi discloses the following limitations:

- *a step of said prescribed reproduction device that started reading said information recording medium presenting a prescribed acquisition code to a viewer, and urging the viewer to input a prescribed password (see at least paragraph [0022], [0032] and [0034]);*
- *a step of a prescribed server computer accessed by the information terminal device of said viewer according to prescribed position information urging the viewer to input the prescribed acquisition code (see at least paragraph [0032]);*

- *a step of said prescribed server computer presenting a password corresponding to said prescribed acquisition code to said viewer upon receiving said prescribed acquisition code from the information terminal device of said viewer (see at least paragraph [0027]);*
- *a step of said prescribed reproduction device performing authentication based on said received prescribed password upon receiving the prescribed password from said viewer (see at least paragraph [0032]);*
- *a step of said prescribed reproduction device starting the reproduction of the content recorded on said information recording medium when it judges that said received prescribed password is valid as a result of said authentication (see at least paragraph [0032] and [0037]);*

**26. As per claim 4:** Giobbi discloses the following limitations:

- *wherein a password management table associating said password with said prescribed acquisition code is recorded on said information recording medium (see at least paragraph [0010]);*
- *said prescribed reproduction device presents a prescribed acquisition code corresponding to the random number generated according to a prescribed random function (see at least paragraph [0022]).*

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
28. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giobbi in view of Asano et al, U.S. Patent Application Publication No. 2003/0016827 A1.
29. **As per claim 5:** Giobbi discloses all the limitations of claim 4 above but failed to explicitly disclose wherein said server computer comprises a viewing management database containing a table corresponding to said password management table, and wherein a prescribed password corresponding to the prescribed acquisition code received from the information terminal device of said viewer is specified by referring to said viewing management database, and the prescribed password is presented to said viewer. However, Asano discloses a key table held in a key-issuing institute, used in the key acquisition by the key renewing terminal in the information recorder/ player (see at least paragraph [0324] and figure 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Giobbi teachings to include a table (disclosed by Asano) that correlates/ associate two pieces of information together to find a piece of information that corresponds/ maps to another piece of information such as finding a key that corresponds to specific device ID (see Asano in at least paragraph [0324]).

30. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giobbi in view of Kuroda et al, U.S. Patent Application Publication No. 2002/0129254 A1.
31. **As per claim 8:** Giobbi discloses the following limitations:
  - *in said prescribed password management table, a prescribed password is associated with a prescribed acquisition code* (see at least paragraph [0027]);
  - *said prescribed control information causes said prescribed reproduction device to realize: a function of presenting said prescribed acquisition code to said viewer and urging said viewer to input said prescribed password* (see at least paragraph [0022], [0032] and [0034]);
  - *a function of, when said viewer inputs said prescribed password, performing authentication of said input prescribed password* (see at least paragraph [0050]);

- *a function of reproducing said viewing management target content according to the result of said authentication* (see at least paragraph [0050]).

Giobbi failed to explicitly disclose *wherein said information recording medium is used for recording a viewing management target content, a prescribed password management table and prescribed control information*. However, Kuroda discloses control information, content and an information table (see at least the abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Giobbi teachings to include a control information, content and an information table (discloses by Kuroda) to enable the user to authenticate his/her password/ code, and to enable the user to decrypt/ decode the content when authentication is successful.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid  
Examiner  
Art Unit: 3621  
Date: September 26, 2007  
Signature: 

  
ANDREW J. FISCHER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600